

AMENDED IN SENATE APRIL 9, 2013

**SENATE BILL**

**No. 501**

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**Introduced by Senator Corbett**

February 21, 2013

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~~An act relating to privacy.~~ *An act to add Part 2.8 (commencing with Section 60) to Division 1 of the Civil Code, relating to privacy.*

LEGISLATIVE COUNSEL'S DIGEST

SB 501, as amended, Corbett. ~~Privacy.~~ *Social networking Internet Web sites: privacy: minors.*

*Existing law requires an operator of a commercial Internet Web site or online service that collects personally identifiable information through the Internet about individual consumers residing in California who use or visit its site or online service to conspicuously post its privacy policy on its Internet Web site. Existing law also prescribes various prohibitions with regard to disclosures of personal information related to, among other things, driver's licenses, social security numbers, and direct marketing.*

*This bill would require a social networking Internet Web site, as defined, to remove the personal identifying information, as defined, of any registered user, as defined, within 96 hours after his or her request and would also require removal of that information in that same manner regarding a user under 18 years of age upon request by the user's parent. The bill would impose a civil penalty, not to exceed \$10,000, for each willful and knowing violation of these provisions.*

~~Existing law requires an operator of a commercial Web site or online service that collects personally identifiable information, as defined, from California residents through an Internet Web site or online service for commercial purposes, to conspicuously post its privacy policy on~~

~~its Internet Web site or online service or make the policy available, as specified. Existing law requires that the privacy policy identify certain information, including the categories of personally identifiable information that the operator collects about individual consumers who use or visit its Internet Web site or online service and 3rd parties with whom the operator may share the information.~~

~~This bill would declare the intent of the Legislature to enact legislation that would reform the privacy policies required for operators of Internet Web sites and smart phone applications, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Part 2.8 (commencing with Section 60) is added*  
2     *to Division 1 of the Civil Code, to read:*

3  
4     *PART 2.8. SOCIAL NETWORKING PRIVACY ACT*

5  
6     60. (a) (1) *A social networking Internet Web site shall remove*  
7     *the personal identifying information of a registered user in a timely*  
8     *manner upon his or her request. In the case of a registered user*  
9     *who identifies himself or herself as being under 18 years of age,*  
10    *the social networking Internet Web site shall also remove the*  
11    *information in a timely manner upon the request of a parent of the*  
12    *registered user.*

13    (2) *Notwithstanding subdivision (b) of Section 62, for purposes*  
14    *of this subdivision, "personal identifying information" shall not*  
15    *include a person's name.*

16    (b) *A request submitted by a registered user pursuant to*  
17    *subdivision (a) shall include sufficient information to verify the*  
18    *identity of the user and shall specify any known location of the*  
19    *information that is the subject of the request.*

20    62. *For purposes of this part:*

21    (a) *"In a timely manner" means within 96 hours of delivery of*  
22    *the request.*

23    (b) *"Personal identifying information" means a person's name,*  
24    *address, telephone number, driver's license number, social security*  
25    *number, employee identification number, mother's maiden name,*

1 *demand deposit account number, savings account number, or*  
2 *credit card number.*

3 (c) *“Registered user” means any person who has created an*  
4 *account for purposes of accessing a social networking Internet*  
5 *Web site.*

6 (d) *“Social networking Internet Web site” means an Internet*  
7 *Web-based service that allows an individual to construct a public*  
8 *or partly public profile within a bounded system, articulate a list*  
9 *of other users with whom the individual shares a connection, and*  
10 *view and traverse his or her list of connections and those made*  
11 *by others in the system.*

12 65. *A social networking Internet Web site that willfully and*  
13 *knowingly violates any provision of this part shall be liable for a*  
14 *civil penalty, not to exceed ten thousand dollars (\$10,000) for each*  
15 *violation of this part.*

16 ~~SECTION 1. It is the intent of the Legislature to enact~~  
17 ~~legislation that would reform the privacy policies required for~~  
18 ~~operators of Internet Web sites and smart phone applications into~~  
19 ~~a more effective tool to inform California consumers on the use,~~  
20 ~~collection, and sharing of their personal information.~~